

EXHIBIT 3

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13
14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 OAKLAND DIVISION

17 REARDEN LLC and REARDEN MOVA
18 LLC,

19 Plaintiffs,

20 vs.

21 TWENTIETH CENTURY FOX FILM
CORPORATION and TWENTIETH
22 CENTURY FOX HOME
ENTERTAINMENT, LLC,

23 Defendants.

Case No. 3:17-cv-04191-JST

**DEFENDANT TWENTIETH CENTURY
FOX FILM CORPORATION'S
OBJECTIONS AND RESPONSES TO
PLAINTIFF'S SUPPLEMENTAL
INTERROGATORIES**

1 Defendant Twentieth Century Fox Film Corporation (“Defendant” or “TCFFC”) hereby
2 responds and objects to the Supplemental Interrogatories (“Interrogatories”) propounded on
3 August 1, 2019, by Plaintiffs Rearden LLC and Rearden MOVA LLC (jointly, “Plaintiffs”) as
4 follows:

5 **PRELIMINARY STATEMENT**

6 Defendant has not yet completed its investigation relating to this action, has not completed
7 discovery in this action, and has not completed preparation for trial. The following responses are
8 based on Defendant’s knowledge, information, and belief at this time, and were prepared based on
9 its good faith interpretation and understanding of the individual Interrogatories and are subject to
10 correction for inadvertent errors or omissions, if any. These responses are given without prejudice
11 to subsequent revisions or supplementation based upon any information, evidence, and
12 documentation that hereafter may be discovered, but Defendant assumes no obligation to
13 supplement or amend voluntarily these responses to reflect information, evidence, documents, or
14 things discovered following service of these responses. Defendant reserves the right to refer to, to
15 conduct discovery with reference to, or to offer into evidence at the time of trial, any and all facts,
16 evidence, documents, and things developed during the course of discovery and trial preparation,
17 notwithstanding the reference to facts, evidence, documents, and things in these responses.

18 **GENERAL OBJECTION**

19 Defendant objects to each of the Interrogatories to the extent it seeks information protected
20 by the attorney-client privilege, the attorney work-product doctrine, or any other privilege or
21 protection from disclosure. Nothing in these responses is intended to or should be construed as a
22 waiver of the attorney-client privilege, the attorney-work product doctrine, or any other privilege
23 or protection.

24 **OBJECTIONS TO INSTRUCTIONS AND DEFINITIONS**

25 1. Defendant objects to Plaintiffs’ “Instructions” and “Definitions” to the extent they
26 purport to impose duties and obligations in addition to, or inconsistent with, those imposed by the
27 Federal Rules of Civil Procedure, the Local Rules or Individual Practices of this Court, or the
28 Court’s Orders in this case.

2. Defendant objects to the definition of “IDENTIFY,” and to each Interrogatory containing this term, to the extent they purport to impose duties and obligations in addition to, or inconsistent with, those imposed by the Federal Rules of Civil Procedure, the Local Rules or Individual Practices of this Court, or the Court’s Orders in this case. Defendant construes this term to mean to provide an entity’s full legal name.

3. Defendant objects to the definitions of “FOX,” “YOU,” and “YOUR,” and to each Interrogatory containing these terms, on the grounds that they are vague, ambiguous, overly broad, and unduly burdensome. Defendant construes these terms to refer to TCFFC.

SPECIFIC RESPONSES AND OBJECTIONS

INTERROGATORY NO. 1:

IDENTIFY the following contracts and their custodians relating to the ACCUSED FILMS:

(a) Contract between FOX and Twentieth Century Fox Home Entertainment

(b) Contract between FOX and Twentieth Television

(c) Contract between FOX and Fox US Productions 40

(d) Contract between FOX and Fox US Productions 31

(e) Contract between FOX and Fox Louisiana Productions

(f) Contract between FOX and TCF Vancouver Productions

(g) Contract between FOX and Tim Miller

(h) Contract between FOX and Blur Studios

(i) Contract between FOX and Josh Trank

(j) Contract between FOX and Shawn Levy

(k) Contract between FOX and Luma Pictures

(l) Contract between FOX and The Moving Picture Company

RESPONSE:

Defendant incorporates in full its General Objection and its Objections to Instructions and Definitions.

Defendant further objects to this Interrogatory to the extent that it seeks information that is not relevant to the claims or defenses in this case; is overbroad and unduly burdensome in that it is

1 not reasonably limited in scope or requires Defendant to make an investigation that is not
 2 proportional to the needs of this case; and is vague and ambiguous, including in its request for
 3 “contracts...relating” to the films at issue.

4 Based on the above objections, and pursuant to the Magistrate Judge’s instruction and
 5 Plaintiffs’ counsel’s email of August 22, 2019, Defendant interprets this Interrogatory to ask for
 6 the identity of contracts for services related to the films at issue and the custodian(s) of any such
 7 contract for subparts (c), (d), (e), (g), (h).

8 Subject to that interpretation, and without waiving the foregoing objections, Defendant
 9 responds as follows:

10 (c) Contract: Production Services Agreement; Custodian: Twentieth Century Fox Legal
 11 (“TCF Legal”)

12 (d) Contract: Production Services Agreement; Custodian: TCF Legal

13 (e) Contract: Production Services Agreement; Custodian: TCF Legal

14 (g) Contract: Director Borrowing Agreement; Custodian: TCF Legal

15 (h) Contract: Pre-Visualization Agreement; Custodian: TCF Legal

16 **INTERROGATORY NO. 2:**

17 IDENTIFY the persons including officers, employees, and independent contractors at FOX
 18 who worked on visual effects for the Colossus character in *Deadpool*.

19 **RESPONSE:**

20 Defendant incorporates in full its General Objection and its Objections to Instructions and
 21 Definitions.

22 Defendant further objects to this Interrogatory to the extent that it seeks information that is
 23 not relevant to the claims or defenses in this case or to identifying potential custodians, including
 24 because it seeks, on its face, the identities of individuals who are not employees of Defendant; is
 25 overbroad and unduly burdensome in that it is not reasonably limited in scope or requires
 26 Defendant to make an investigation that is not proportional to the needs of this case; assumes facts
 27 that are either incorrect or unknown to Defendants and is vague and ambiguous, including in its
 28 use of the undefined phrase “worked on.”

1 Based on the above objections, and pursuant to the Magistrate Judge's instruction,
 2 Defendant interprets this Interrogatory to seek the identities of Defendant's current or former
 3 employees who worked with Digital Domain on MOVA facial capture for the Colossus character
 4 in *Deadpool*.

5 Subject to that interpretation, and without waiving its objections, Defendant responds as
 6 follows:

7 Joan Bierman, Post Production Supervisor, worked with Digital Domain on post-
 8 production MOVA facial capture for the Colossus character in *Deadpool*. To the best of TCFFC's
 9 knowledge, no other employee of Defendant worked with Digital Domain on MOVA facial
 10 capture during principal photography or post-production. However, Joe Conmy, Senior Vice
 11 President, Visual Effects, approved Digital Domain's work on MOVA facial capture for the
 12 Colossus character in *Deadpool*.

13 **INTERROGATORY NO. 3:**

14 IDENTIFY the persons including officers, employees, and independent contractors at FOX
 15 who worked on visual effects for the Ben Grimm/the Thing character in *Fantastic Four*.

16 **RESPONSE:**

17 Defendant incorporates in full its General Objection and its Objections to Instructions and
 18 Definitions.

19 Defendant further objects to this Interrogatory to the extent that it seeks information that is
 20 not relevant to the claims or defenses in this case or to identifying potential custodians, including
 21 because it seeks, on its face, the identities of individuals who are not employees of Defendant; is
 22 overbroad and unduly burdensome in that it is not reasonably limited in scope or requires
 23 Defendant to make an investigation that is not proportional to the needs of this case; assumes facts
 24 that are either incorrect or unknown to Defendants and is vague and ambiguous, including in its
 25 use of the undefined phrase "worked on."

26 Based on the above objections, and pursuant to the Magistrate Judge's instruction,
 27 Defendant interprets this Interrogatory to seek the identities of Defendant's current or former
 28

1 employees who worked with Digital Domain on MOVA facial capture for the Thing character in
2 *Fantastic Four*.

3 Subject to that interpretation, and without waiving its objections, Defendant responds as
4 follows:

5 To the best of TCFFC's knowledge, no employee of Defendant worked with Digital
6 Domain on MOVA facial capture for the Thing character in *Fanastic Four*. However, Joe Conmy,
7 Senior Vice President, Visual Effects and Jennifer Meislohn, Vice President, Visual Effects
8 (former employee) approved Digital Domain's work on MOVA facial capture for the Thing
9 character in *Fantastic Four*.

10 **INTERROGATORY NO. 4:**

11 IDENTIFY the persons including officers, employees, and independent contractors at FOX
12 who worked on visual effects for the Bust of Caesar, Lord Nelson, and Charles Darwin characters
13 in *Night at the Museum: Secret of the Tomb*.

14 **RESPONSE:**

15 Defendant incorporates in full its General Objection and its Objections to Instructions and
16 Definitions.

17 Defendant further objects to this Interrogatory to the extent that it seeks information that is
18 not relevant identifying potential custodians, including because it seeks, on its face, the identities
19 of individuals who are not employees of Defendant; is overbroad and unduly burdensome in that it
20 is not reasonably limited in scope or requires Defendant to make an investigation that is not
21 proportional to the needs of this case; assumes facts that are either incorrect or unknown to
22 Defendants and is vague and ambiguous, including in its use of the undefined phrase "worked on."

23 Defendant further objects to this Interrogatory to the extent that it seeks information that is
24 not relevant to the claims or defenses in this case, including in its reference to "Lord Nelson" and
25 "Charles Darwin" because characters of those names do not appear in the operative complaint and
26 do not appear in *Night at the Museum 3: Secret of the Tomb*.

27 Based on the above objections, and pursuant to the Magistrate Judge's instruction,
28 Defendant interprets this Interrogatory to seek the identities of Defendant's current or former

1 employees who worked with Digital Domain on MOVA facial capture for the Bust of Caesar in
 2 *Night at the Museum 3: Secret of the Tomb*.

3 Subject to that interpretation, and without waiving its objections, Defendant responds as
 4 follows:

5 To the best of TCFFC's knowledge, no employee of Defendant worked with Digital
 6 Domain on MOVA facial capture for the Bust of Caesar in *Night at the Museum 3: Secret of the*
 7 *Tomb*. However, Christina Garberson, Senior Vice President, Visual Effects and Jennifer
 8 Meislohn, Vice President, Visual Effects (former employee) approved Digital Domain's work on
 9 MOVA facial capture for the Bust of Caesar in *Night at the Museum 3: Secret of the Tomb*.

10 **INTERROGATORY NO. 5:**

11 For each of the following entities, state whether it maintains a physical document
 12 repository, whether it maintains a digital document repository, and whether each of its officers,
 13 employees, and independent contractors who were primarily responsible for visual effects in the
 14 ACCUSED FILMS used @fox.com email addresses and, if an individual did not use an @fox.com
 15 email address, state the email address used and identify the host entity:

16 (a) Fox US Productions 40

17 (b) Fox US Productions 31

18 (c) Fox Louisiana Productions

19 **RESPONSE:**

20 Defendant incorporates in full its General Objection and its Objections to Instructions and
 21 Definitions.

22 Defendant further objects to this Interrogatory to the extent that it seeks information that is
 23 not relevant to the claims or defenses in this case or to identifying potential custodians; is
 24 overbroad and unduly burdensome in that it is not reasonably limited in scope or requires
 25 Defendant to make an investigation that is not proportional to the needs of this case; assumes facts
 26 that are either incorrect or unknown to Defendants and is vague and ambiguous, including in its
 27 use of the undefined term "primarily responsible."
 28

1 Defendant further objects on the ground that the request seeks information already in
2 Plaintiffs' possession, including information provided during Defendant's 30(b)(6) deposition.

3 Defendant further objects on the ground that many of the request's subparts seek
4 information that was not sought at Defendant's 30(b)(6) deposition and are thus outside the scope
5 of the interrogatories ordered by the Magistrate Judge.

6 Based on the above objections, and pursuant to the Magistrate Judge's instruction,
7 Defendant interprets this Interrogatory to ask for any email addresses, other than fox.com email
8 addresses, which were provided to either employees or independent contractors of Fox US
9 Productions 40, Fox US Productions 31 or Fox Louisiana Productions.

10 Subject to that interpretation, and without waiving its objections, Defendant responds as
11 follows:

12 Defendant and its subsidiaries Fox US Productions 40, Fox US Productions 31 and Fox
13 Louisiana Productions did not issue any fox.com email addresses to any independent contractors
14 in connection with the films at issue. With respect to each such film, Defendant issued one (1)
15 email address, and specifically to the production accountant for each film, with a domain name
16 other than fox.com. These email addresses are:

17 (a) *Deadpool*: cr.dead@foxfp.com

18 (b) *Night At the Museum 3: Secret of the Tomb*: cr.natm3@foxfp.com

19 (c) *Fantastic Four*: cr.ff@foxfp.com

20 **INTERROGATORY NO. 6:**

21 For each document repository identified in your answer to Interrogatory No. 5, IDENTIFY
22 the custodian.

23 **RESPONSE:**

24 Defendant incorporates in full its General Objection and its Objections to Instructions and
25 Definitions.

26 Defendant further objects to this Interrogatory to the extent that it seeks information that is
27 not relevant to the claims or defenses in this case or to identifying potential custodians; is
28 overbroad and unduly burdensome in that it is not reasonably limited in scope or requires

1 Defendant to make an investigation that is not proportional to the needs of this case; assumes facts
2 that are either incorrect or unknown to Defendants and is vague and ambiguous.

3 Defendant further objects on the ground that the request seeks information already in
4 Plaintiffs' possession, including information provided during Defendant's 30(b)(6) deposition.

5 Defendant further objects on the ground that the request seeks information that is not
6 relevant to the identification of custodians, including because Defendant already testified at its
7 30(b)(6) deposition that it could search for any information, whether electronic or otherwise, in the
8 possession of its subsidiaries, Fox US Productions 40, Fox US Productions 31 and Fox Louisiana
9 Productions.

10 Based on the above objections, and pursuant to the Magistrate Judge's instruction,
11 Defendant interprets this Interrogatory to ask Defendant to identify the department within TCFFC
12 or its subsidiaries that would search for documents in the possession of Fox US Productions 40,
13 Fox US Productions 31 and Fox Louisiana Productions.

14 Subject to that interpretation, and without waiving its objections, Defendant responds as
15 follows:

16 TCFFC E-Discovery
17

18 DATED: October 2, 2019

MUNGER, TOLLES & OLSON LLP

20 By: /s/ Kelly M. Klaus

21 KELLY M. KLAUS

22 Attorneys for Defendants
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